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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/020,425 | 12/07/2001 | Mitsuaki Oshima | MTS-520US2 | 8994 |

7590

06/26/2003

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EXAMINER

CALLAHAN, PAUL E

ART UNIT

PAPER NUMBER

2134

7

DATE MAILED: 06/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



Paper No. 7

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JUN 26 2003

In re Application of: Mitsuaki Oshima et al.)
Application No.: 10/020,425)
Filed: December 7, 2001)
For: MARK FORMING APPARATUS,)
METHOD OF FORMING LASER)
MARK ON OPTICAL DISK,)
REPRODUCING APPARATUS,)
OPTICAL DISK AND METHOD OF)
PRODUCING OPTICAL DISK)

**DECISION ON PETITION
UNDER 37 C.F.R. § 1.181 TO
ACCEPT PAPERS AS TIMELY
FILED AND WITHDRAW
HOLDING OF
ABANDONMENT**

This decision is in response to the communication of June 16, 2003 which is being treated as a petition under 37 CFR § 1.181 to a withdraw the holding of abandonment of the above-identified application.

This application was held abandoned for failure to file a timely response to the Office action of mail date December 4, 2002. A Notice of Abandonment has not been mailed.

In response to a telephone call from the Examiner indicating that no response to the Office action had been received, Applicant provided a copy of (1) an amendment filed in response to the Office action of mail date December 4, 2002, (2) a fee transmittal sheet indicating checks in the amount of \$220.00 to cover the statutory disclaimer fee and for a one-month extension of time, (3) an Information Disclosure Statement, (4) a Terminal Disclaimer, (5) a Korean Office action, and (6) a post card with a PTO stamp indicating receipt at the USPTO on April 1, 2003 of the aforementioned items. The fees were posted to the application on April 1 and April 8, 2003.

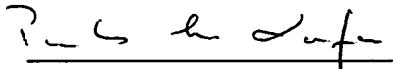
M.P.E.P. § 503 states:

A post card receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

Petitioner has established that a response was filed on April 1, 2003 with the requisite fee for a one-month extension of time necessary for the response to be considered timely. Thus, Petitioner has established that a response was timely filed and the Abandonment was the result of Office error in not matching the response to the application file.

The petition is **GRANTED**. The Notice of Abandonment is **WITHDRAWN**.

The application file is being forwarded to the Technology Center support staff for processing of the amendment. After processing, the application will then be forwarded to the Examiner for appropriate action.



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